

APPLICATION GRANTED

SO ORDERED

VERNON S. BRODERICK

U.S.D.J. 9/19/2023

LAW GROUP, P.C.

est Main Street

own, NY 11787

0 FAX 631-382-4801

Plaintiff shall complete the filing of the motion by  
September 22, 2023.

September 18, 2023

BY ECF

Hon. Vernon S. Broderick  
United States District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United State Court House  
40 Foley Square  
New York, New York 10017

*Re: Lori Ostenfeld v. The Guardian Life Insurance Company of America, et al.*  
Case No. 22-cv-08265 (VSB)

Dear Judge Broderick:

This office represents plaintiff in the above referenced action. In accordance with the schedule previously ordered by the Court, plaintiff, on September 13<sup>th</sup>, filed her motion seeking to compel the filing of a redacted document. (Letter Motion to Seal, Doc. No. 46).

Pursuant to § 5 (B) (iii) of your Individual Rules and Practices, plaintiff was required to file, in support of her motion, (1) a copy of the document with the proposed redactions; and (2) under seal, an unredacted copy with the proposed redactions highlighted (with the appropriate level of restriction). Due to the need to break down these files to subparts because of their size, the Court granted plaintiff's application, filed on the 13<sup>th</sup>, to extend her time to file the supporting documents until today.

As regards the filing, under seal, of the unredacted record, as noted above, both your Individual Rules and Practices and § 6.8 of the SDNY Electronic Case Filing Rules and Instructions require that the unredacted record include highlights of all the redactions set forth in the proposed redacted record. Due to the size of the unredacted record (over 4,600 pages), plaintiff, to date, has been unable to complete the highlighting of the unredacted records.

With regard to the proposed redacted record, in preparation for filing the document earlier today, our office divided the document into eight separate pdf files. After we did this, we determined that one page in one of the pdf files contained an unredacted reference to plaintiff's date of birth, which was then redacted. We then attempted to file the publicly viewed portion of

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plaintiff's submission; i.e., an attorneys declaration, and Exhibit 1 as well as Exhibit 2 consisting of the aforesaid eight pdf files. Due to the additional redaction however, the altered file exceeded the 10 MB size limit for filings on the ECF platform, Consequently, the entire filing was rejected.<sup>1</sup>

As a result, it will now be necessary to go back and reconfigure the entire filing to again insure that none of the pdf files exceed the 10 MB limit.

Plaintiff anticipates being able to complete both the highlighting of the unredacted record and the reconfiguration of the proposed redacted record no later than this coming Friday, September 22<sup>nd</sup>.

Accordingly, plaintiff is respectfully requesting an extension of four (4) days; up until September 22, 2023 to complete the filing of the motion. Defendant has consented to the proposed extension.

We thank the Court for its consideration of this application.

Respectfully submitted,

/s/

Wayne J. Schaefer

cc: Counsel of Record (by ECF)

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<sup>1</sup> A copy of the ECF rejection notice is attached as Exhibit A